

109TH CONGRESS
1ST SESSION

H. R. 4139

To minimize harm to populations impacted by the release of environmental contaminants, hazardous materials or infectious materials in the aftermath of Hurricanes Katrina and Rita by providing for a Comprehensive Environmental Sampling and Toxicity Assessment Plan (CESTAP) to assess and monitor air, water, soil and human populations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2005

Ms. MCKINNEY introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, the Budget, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To minimize harm to populations impacted by the release of environmental contaminants, hazardous materials or infectious materials in the aftermath of Hurricanes Katrina and Rita by providing for a Comprehensive Environmental Sampling and Toxicity Assessment Plan (CESTAP) to assess and monitor air, water, soil and human populations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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2 **TITLE I—EMERGENCY** 3 **ENVIRONMENTAL PROTECTION**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Gulf Coast Hurricane
6 Emergency Environmental Protection Act of 2005”.

7 **SEC. 102. FINDINGS.**

8 Congress finds that—

- 9 (1) Hurricane Katrina, which struck the coasts
10 of Louisiana, Mississippi and Alabama on August
11 29, 2005—

1 (A) was the first event to be declared an
2 “Incident of National Significance” by the Di-
3 rector of Homeland Security, as empowered to
4 do so under the National Response Plan and
5 under the National Response Plan, the first pri-
6 ority listed in the event of an Incident of Na-
7 tional Significance is “to save lives and protect
8 the health and safety of the public, resources
9 and recovery workers”;

10 (B) struck 466 facilities handling large
11 quantities of dangerous chemicals, 31 haz-
12 ardous waste sites along the Gulf Coast, and 16
13 superfund toxic waste sites, 3 of which were
14 flooded, being in the environs of the City of
15 New Orleans; and

16 (C) initially destroyed or compromised 170
17 drinking water facilities and 47 public owned
18 wastewater treatment works along the affected
19 Gulf Coast region.

20 (2) In the aftermath of Hurricane Katrina—

21 (A) a mandatory evacuation was declared
22 for the City of New Orleans in the aftermath of
23 Hurricane Katrina as a response to the threat
24 to public health from contaminants and chem-
25 ical spills mixing with the floodwaters;

1 (B) among the known contaminants and
2 toxins that mixed with the floodwaters in New
3 Orleans, are: oil, gasoline, hexavalent chro-
4 mium, mercury, arsenic, chloroacetic acid, fecal
5 bacteria including E. coli, household hazardous
6 wastes, pesticides and unattended corpses of the
7 dead;

8 (C) the United States Coast Guard re-
9 ported more than 7 million gallons of oil and
10 between 1 and 2 million gallons of gasoline
11 from plants and depots in southeast Louisiana
12 were spilled as a result of the hurricane;

13 (D) spills of oil and other toxic chemicals
14 pose a particularly serious public health threat
15 when they dry and become airborne as invisible,
16 breathable particulates;

17 (E) the flooded Superfund sites in Lou-
18 isiana and Mississippi contained contaminants
19 that include heavy metals associated with devel-
20 opmental problems and increased risk of cancer,
21 and polycyclic aromatic hydrocarbons, which are
22 known carcinogens;

23 (F) independent researchers have reported
24 environmental contaminants such as arsenic,
25 benzo(a)pyrene and petroleum hydrocarbons ex-

ceeding Environmental Protection Agency and Louisiana Department of Environmental Quality Standards present in a one eighth inch layer of visibly distinct sediment covering most ground surfaces after the removal of floodwaters from New Orleans and environs.

(3) Hurricane Rita, which struck the coasts of Texas and Louisiana on September 24th, 2005—

(A) did little damage to cities or oil refineries, but devastated many rural communities;

(B) caused significant flooding in rural areas and in some areas exacerbated rural flooding initially resulting from Hurricane Katrina; and

(C) caused significant damage to hospitals.

(4) New Orleans hosts several Level-3 biolabs, including a bioweapons research lab at Tulane University, which pose a major public health risk should any research pathogens escaped into the environment as a result of the hurricane and resultant flooding and power outages, posing the risk of breach of container seals, escape of test subject animals or distribution of drowned test subject animals by floodwaters.

(5) The Mississippi delta—

1 (A) is America's tropical region and has
2 historically played host to a long list of infec-
3 tious microbial diseases that are rare to develop
4 in other parts of the United States.

5 (B) was the point of entry for several mas-
6 sive Yellow Fever epidemics that swept the
7 Americas in the nineteenth century.

8 (6) The centers for disease control—

9 (A) warned prior to the hurricanes Katrina
10 and Rita of the dangers of vibrio cholerae,
11 vibrio vulnificus and other gastrointestinal orga-
12 nisms living in algal blooms or carried by fish
13 or shellfish; and

14 (B) reported five deaths from vibrio
15 vulnificus in the first week after Hurricane
16 Katrina struck the Gulf Coast.

17 (7) The Environmental Protection Agency has
18 yet to publicly issue a broad strategic plan for deal-
19 ing with the post-hurricane environmental clean-up
20 and public safety, detailing goals and methods of
21 achieving them.

22 (8) Residents of New Orleans and the affected
23 Gulf Coast areas have demonstrated their desire and
24 determination to return to their homes.

1 (9) Hundreds of thousands of disaster respond-
2 ers and returning residents are being allowed into
3 damaged areas without receiving sufficient warnings
4 or information about levels of contamination, health
5 risks or necessary precautions.

6 (10) Residents in affected areas have yet to be
7 provided protective gear to prevent harmful expo-
8 sures, and the Federal Emergency Management
9 Agency has declined requests to fund local initiatives
10 to do so

11 (11) Returning residents and responders are al-
12 ready reporting widespread cases of respiratory
13 problems, asthmas and skin rashes.

14 (12) Thousands of workers involved in the
15 clean-up in the aftermath of the collapse of the
16 World Trade Center towers on September 11, 2001,
17 hundreds of whom are now disabled as a result of
18 those exposures, might have been spared from harm
19 had responsible government agencies issued suffi-
20 cient health and safety warnings regarding the po-
21 tential toxicity of airborne debris.

22 (13) With sufficient government testing, warn-
23 ing and support, the people of the Gulf Coast region
24 could be protected from similar dangers arising from

1 the above-mentioned post-hurricane environmental
2 hazards.

3 (14) The Federal Government should take a
4 leadership role in protecting the public from environ-
5 mental contaminants and infectious materials that
6 pose a threat to public health and safety.

7 **SEC. 103. PURPOSES.**

8 The purposes of this title are:

9 (1) To establish a plan—

10 (A) to test, assess and aggregate collected
11 data to determine the location and level of
12 threat to public health and safety from environ-
13 mental contaminants and hazardous materials
14 released into the environment as a result of
15 hurricanes Katrina and Rita, and resultant
16 flooding;

17 (B) to ensure that returning residents, re-
18 sponders and clean-up crews as well as govern-
19 ment officials are informed of these threats to
20 public health and safety and have access to the
21 information and equipment necessary to mini-
22 mize or eliminate that threat;

23 (C) to ensure that responders and clean-up
24 crews are properly trained and equipped for
25 their mission; and

1 (D) to ensure that the threat from environ-
2 mental contaminants and hazardous materials
3 is removed through environmental clean-up.

4 (2) To help set common standards for the envi-
5 ronmental clean-up process across agencies and lev-
6 els of government.

7 **SEC. 104. ENVIRONMENTAL ASSESSMENT, CLEANUP, AND**
8 **RIGHT-TO-KNOW REQUIREMENTS.**

9 (a) ASSESSMENT AND CLEANUP FUNDING FOR
10 SUPERFUND AND OTHER HAZARDOUS SITES.—

11 (1) IN GENERAL.—The Administrator of the
12 Environmental Protection Agency (referred to in
13 this title as the “Administrator”) shall use funds ap-
14 propriated under the Robert T. Stafford Disaster
15 Relief and Emergency Assistance Act (42 U.S.C.
16 5121 et seq.) and funds provided to the Adminis-
17 trator in response to Hurricane Katrina for—

18 (A) cleanup activities (including response
19 actions in accordance with the Comprehensive
20 Environmental Response, Compensation and Li-
21 ability Act of 1980 (42 U.S.C. 9601 et seq.)
22 and corrective actions in accordance with the
23 Solid Waste Disposal Act (42 U.S.C. 6901 et
24 seq.));

1 (B) reconstruction and rehabilitation of
2 drinking water supplies and wastewater treat-
3 ment plants; and

4 (C) addressing potential or actual threats
5 to human health or the environment arising
6 from or relating to Hurricane Katrina.

7 (2) PRIORITY.—

8 (A) IN GENERAL.—The Administrator
9 shall prioritize cleanup activities to be con-
10 ducted under this subsection based on the risks
11 posed by a particular area in which the activi-
12 ties are to be conducted to human health or the
13 environment.

14 (B) RISK IDENTIFICATION.—The
15 Administrator shall identify major sources of en-
16 vironmental contamination, or environmental
17 “hot spots”, including facilities of concern, and
18 use zoning procedures as one method of identi-
19 fying priority targets:

20 (i) of concern for public health and
21 safety; and

22 (ii) for clean-up procedures.

23 (C) SOURCE OF FUNDS.—In carrying out
24 this subsection, the Administrator shall use
25 amounts appropriated under the Robert T.

1 Stafford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 5121 et seq.) and amounts
3 appropriated to the Administrator in response
4 to Hurricane Katrina before using amounts
5 made generally available to the Administrator.

6 (3) APPLICABLE STANDARDS AND REQUIRE-
7 MENTS.—Any activity or evaluation carried out
8 under this subsection shall be subject to the same
9 standards and requirements (including requirements
10 relating to the use of funds) as are applicable to pro-
11 grams carried out using funds of the Environmental
12 Protection Agency.

13 **SEC. 105. DEFINITIONS.**

14 In this title:

15 (1) ENVIRONMENTAL CONTAMINANT.—The
16 term “environmental contaminant” means

17 (A) any hazardous substance regulated
18 under the Comprehensive Environmental Re-
19 sponse, Compensation, and Liability Act of
20 1980 (42 U.S.C. 9601 et seq.); and

21 (B) any solid waste regulated under the
22 Solid Waste Disposal Act (42 U.S.C. 6901 et
23 seq.).

24 (2) HAZARDOUS MATERIAL.—

1 (A) IN GENERAL.—The term “hazardous
2 material” means—

3 (i) a hazardous substance (as defined
4 in section 101 of the Comprehensive Envi-
5 ronmental Response, Compensation, and
6 Liability Act of 1980 (42 U.S.C. 9601));

7 (ii) a petroleum-based substance; and

8 (iii) an industrial or commercial chem-
9 ical.

10 (B) INCLUDED IN TERM.—The term “haz-
11 ardous material” includes—

12 (i) a petroleum-based product;

13 (ii) a metal;

14 (iii) a volatile or semi-volatile organic
15 compound;

16 (iv) a pesticide;

17 (v) an herbicide;

18 (vi) a polychlorinated biphenyl; and

19 (vii) any biological material in flood-
20 water, surface water, sediment, or soil that
21 may threaten human health or the environ-
22 ment.

23 (3) INFECTIOUS MATERIAL.—The term “infec-
24 tious material” means each of the following:

1 (A) Any organism that is capable of pro-
2 ducing infection or infectious disease, such as a
3 bacteria, fungus, parasite, protozoan or virus.

4 (B) Any strain of a potentially virulent
5 virus or other disease that was the subject of
6 study and experimentation at one of several
7 level 3 bioresearch labs located in the regions
8 affected by recent hurricanes and flooding.

9 (C) Any carrier acting as a vector for
10 spreading infectious organisms or virulent dis-
11 eases, or both, such as a decaying corpse, or a
12 living non-human agent such as an infected ro-
13 dent or an escaped laboratory test animal.

14 (4) FACILITY OF CONCERN.—The term “facility
15 of concern” means—

16 (A) a chemical, petroleum, or other facility
17 that is subject to the chemical accident preven-
18 tion program under section 112(r) of the Clean
19 Air Act (42 U.S.C. 7412(r));

20 (B) a site on the National Priorities List
21 developed by the President in accordance with
22 section 105(a)(8)(B) of the Comprehensive En-
23 vironmental Response, Compensation, and Li-
24 ability Act of 1980 (42 U.S.C. 9605(a)(8)(B))

1 (including such a site for which corrective ac-
2 tion is ordered under that Act);

3 (C) a site for which the Administrator or
4 a State has ordered corrective action in accord-
5 ance with section 3004(u) or 3008(h) of the
6 Solid Waste Disposal Act (42 U.S.C. 6924(u);
7 6428(h));

8 (D) a hazardous waste generation, treat-
9 ment, storage, or disposal facility subject to
10 regulation under subtitle C of the Solid Waste
11 Disposal Act (42 U.S.C. 6921 et seq.);

12 (E) a surface impoundment;

13 (F) an aboveground storage tank;

14 (G) an underground storage tank (as de-
15 fined in section 9001 of the Solid Waste Dis-
16 posal Act (42 U.S.C. 6991)); and

17 (H) a railcar or tanker truck used to
18 transport a hazardous constituent.

19 (5) RELEASE.—The term “release” has the
20 meaning given the term in section 101 of the Com-
21 prehensive Environmental Response, Compensation,
22 and Liability Act of 1980 (42 U.S.C. 9601).

23 (6) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Environ-
25 mental Protection Agency.

1 **SEC. 106. COMPREHENSIVE PLAN.**

2 (a) DEVELOPMENT.—

3 (1) PLANNING.—Immediately after the enact-
4 ment of this Act, the Administrator of the Environ-
5 mental Protection Agency, in coordination with the
6 appropriate agencies of the Department of Health
7 and Human Services and in consultation with the
8 Governors of Louisiana, Mississippi, Alabama and
9 Texas as well as appropriate State and local public
10 health and safety agencies, shall develop a Com-
11 prehensive Environmental Sampling and Toxicity
12 Assessment Plan (CESTAP) to determine the imme-
13 diate and long-term hazards posed by exposure to
14 environmental contaminants, hazardous materials or
15 infectious materials released into the environment as
16 a result of the hurricanes and resultant flooding.

17 (2) COMPREHENSIVE TESTING.—The CESTAP
18 shall include comprehensive testing by sampling and
19 analysis involves sampling and monitoring:

20 (A) soil;

21 (B) water;

22 (C) air; and

23 (D) human populations

24 in order to determine the presence, volume, and po-
25 tential distribution vectors of any environmental con-
26 taminant, hazardous material or infectious material.

1 (3) AGGREGATION AND ASSESSMENT.—Using
2 data gathered pursuant to the CESTAP, the Admin-
3 istrator shall—

4 (A) aggregate the data to identify:

5 (i) environmental “hot spots,”;

6 (ii) known and potential toxicological
7 threats; and

8 (iii) public health trends;

9 (B) assess the short-term, ongoing, and
10 long-term human health risks (including cancer
11 and noncancer health effects) from all routes of
12 exposure associated with contaminant con-
13 centrations in floodwater, surface water, sedi-
14 ment, and soil, including any contamination
15 that may remain in that water, sediment, or
16 soil (including Lake Pontchartrain and soil in
17 areas affected by Hurricane Katrina); and

18 (C) include in the assessment under clause

19 (i) a targeted analysis of risks to—

20 (i) sensitive subpopulations (such as
21 children, pregnant women, the elderly, and
22 people with impaired immune systems);
23 and

24 (ii) low-income and minority commu-
25 nities.

1 (4) NOTIFICATION.—(A) The results should be
2 used to alert State and local officials, including
3 health and public safety officials.

4 (B) The results should also be made available
5 to the public and used in a public information cam-
6 paign to aggressively distribute information about
7 public safety threats to the public.

8 (C) Given the high potential for a public health
9 disaster under circumstances of multiple releases of
10 toxic and hazardous substances into the environment
11 and the complex mixing of such materials in flood-
12 waters, the Administrator is charged with setting up
13 the first line of defense against immediate and long-
14 term threats to public safety by ensuring that all ex-
15 isting Federal and State environmental and work
16 safety standards are diligently observed.

17 (b) CLEAN-UP.—The CESTAP shall include provi-
18 sions to expedite the clean-up, removal or elimination of
19 those environmental contaminants, hazardous materials
20 and infectious materials, identified under the plan, which
21 pose risks to public health. The Administrator shall
22 prioritize cleanup activities to be conducted under this
23 subsection based on the risks posed by a particular area
24 in which the activities are to be conducted to human
25 health or the environment.

1 (c) COORDINATION.—(1) The CESTAP shall encom-
2 pass and be coordinated with existing sampling, assess-
3 ment and cleanup efforts by Federal, State and local agen-
4 cies.

5 (2) Given the scope of the types of testing necessary
6 to the task, the multiple regions affected and the pressing
7 need for haste, the work of independent, professional re-
8 searchers with established credentials shall not be ignored.
9 Such work of citizen researchers, motivated by the same
10 desire as the government to protect their fellow citizens
11 from harm, shall be utilized by government officials in
12 their work to guide them to the potentially most hazardous
13 geographic sites and potential public health emergencies.

14 (d) ZONING.—

15 (1) RIGHT OF RETURN.—The Department of
16 Homeland Security, the Federal Emergency Man-
17 agement Agency and the Environmental Protection
18 Agency shall each allow and assist residents to re-
19 turn to their homes or to lay claim to their property,
20 and in handling the relief and rehabilitation efforts
21 in the Gulf region should be guided by this principle.

22 (2) RIGHT TO KNOW THE RISKS.—Federal and
23 State agencies bear a responsibility to the hurricane
24 victims to inform them about the known and pos-
25 sible health risks they may face upon returning to

1 their domicile, as well to inform them on how they
2 can best protect themselves and where they can ob-
3 tain the necessary equipment and materials to do so,
4 and to prevent residents from returning to areas
5 where the health risks are too severe.

6 (3) SETTING STANDARDS.—The principles set
7 forth in paragraphs (1) and (2) shall be balanced
8 against one another. The Environmental Protection
9 Agency has a key role to play in setting safety
10 standards to help bring concert to the work of var-
11 ious Federal, State and local officials, in deter-
12 mining which areas remain too unsafe for residents
13 to return.

14 (A) ZONES OF SAFETY.—The Adminis-
15 trator shall have the authority to define zones
16 of safety, including:

17 (i) “KEEP OUT” zones that remain
18 unsafe for residents to return, even where
19 other agencies have declared them safe
20 from flooding or hazardous debris such as
21 downed power lines;

22 (ii) “AT YOUR OWN RISK” zones
23 where safety risks are uncertain, or can be
24 controlled with proper information and
25 equipment (where said information and

1 equipment is made available to residents);

2 and

3 (iii) “LOW RISK” zones where the
4 risk level is considered minimal, but where
5 residents and visitors are nevertheless pro-
6 vided with information on what risks do
7 exist and what measures they can take to
8 minimize them.

9 (B) SAFETY OVER SPECULATION.—The
10 government’s obligations set forth in para-
11 graphs (1) and (2) shall not apply in the same
12 way to private interests or businesses who are
13 not in the condition of having no home to re-
14 turn to.

15 (C) BUYERS.—The United States shall
16 protect the public and consumers from imme-
17 diate and long-term health risks by requiring
18 those public and private buyers of property in
19 potentially contaminated areas who possessed
20 no title to said land prior to the hurricane, to
21 obtain certification of a comprehensive inspec-
22 tion for environmental quality, public health
23 safety as well as compliance with local historical
24 preservation laws prior to commencement of
25 new construction or re-sale of real estate. The

1 Administrator shall determine areas subject by
2 this clause and shall work with the Centers for
3 Disease Control and Prevention as well as
4 State, local, and community governments to es-
5 tablish inspection and certification procedures.
6 The Administrator shall develop standards for
7 such inspection procedures, in cooperation with
8 State and local officials, including local health
9 and public safety agencies. These standards are
10 to be included in the overall CESTAP Plan pro-
11 vided under this section. The certification pro-
12 gram and the standards of inspection shall be
13 organized in conjunction with the establishment
14 of standards for accreditation and training pro-
15 grams for contractors, supervisors, inspectors
16 and other workers as set forth in section 208
17 of this Act

18 (e) NOTICE TO CONGRESS.—

19 (1) INITIAL NOTICE.—Not later than 14 days
20 after the date of the enactment of this Act, the Ad-
21 ministrator shall submit to the Committees on
22 Transportation and Infrastructure and Energy and
23 Commerce of the House of Representatives and to
24 the Committee on Environment and Public Works of
25 the Senate an initial draft of the comprehensive

1 plan, along with a progress report on the current
2 state of the environmental testing, assessment,
3 clean-up and public safety efforts in the hurricane-
4 devastated regions of the Gulf Coast.

5 (2) SUBSEQUENT NOTIFICATIONS.—Not later
6 than 30 days after the date on which the Adminis-
7 trator submits the initial plan and progress report
8 under paragraph (1), and every 30 days thereafter,
9 the Administrator shall submit to the committees re-
10 ferred to in paragraph (1) a subsequent progress re-
11 port, covering:

12 (A) sampling and toxicity assessment re-
13 sults on a region-by-region basis;

14 (B) ongoing and revised planning for noti-
15 fying potentially affected populations and pro-
16 viding proper training and equipment for han-
17 dling dangerous substances;

18 (C) results of public health assessment and
19 monitoring studies, including any reports indi-
20 cating illnesses possibly resulting from exposure
21 to infectious materials released in the hurricane
22 or local epidemics or outbreaks of disease from
23 contagions;

24 (D) any response actions undertaken in re-
25 sponse to those releases;

1 (E) the cost of each such response action;
2 and

3 (F) comprehensive costs that will likely be
4 incurred in conducting future assessment and
5 cleanup actions relating to Hurricane Katrina.

6 (3) ADDRESSING DISEASE.—In his initial re-
7 port, the Administrator shall—

8 (A) for inclusion in the Initial Notice
9 under paragraph (1), request from the Director
10 of the Department of Health and Human Serv-
11 ices (DHHS) a status report on the work of
12 agencies within the DHHS which are overseeing
13 efforts to identify and prevent outbreaks of in-
14 fections diseases in the Gulf Coast region af-
15 fected by hurricanes and flooding;

16 (B) for inclusion in the Initial Notice
17 under paragraph (1), request from the Director
18 of the Department of Energy and Minister of
19 Defense a report on the status of the three level
20 3 bioresearch labs affected by Hurricane
21 Katrina, and any risk to public health resulting
22 from the release of pathogens or test animals
23 into the environment; and

24 (C) include in Subsequent Notifications
25 under paragraph (2), further status reports

1 from these Departments, as needed to track
2 any identified threats to public health from in-
3 fectionous materials or actual outbreaks of dis-
4 ease.

5 (4) PUBLIC AVAILABILITY AND PARTICIPA-
6 TION.—The Administrator shall—

7 (A) make the report under this subsection
8 available to—

9 (i) the public; and

10 (ii) the Chairman and ranking Mem-
11 ber of each committee of Congress with
12 oversight jurisdiction over the Environ-
13 mental Protection Agency; and

14 (B) in preparing and updating the report,
15 solicit information from facility employees, com-
16 munity members, and other knowledgeable indi-
17 viduals with respect to matters covered by the
18 report.

19 (f) ANNUAL REVIEW.—No later than 1 year after the
20 date of the enactment of this Act, the Administrator shall
21 submit to the Committees on Transportation and Infra-
22 structure and Energy and Commerce of the House of Rep-
23 resentatives and the Committee on Environment and Pub-
24 lic Works of the Senate a report describing—

1 (1) what known and potential threats to public
2 health and safety, immediate and long-term, were
3 identified under the CESTAP;

4 (2) details of efforts to inform and alert the
5 public and government officials of identified threats,
6 and evaluation of their effectiveness;

7 (3) results of efforts to ensure the safety of re-
8 sponders and clean-up crews, and evaluation of their
9 effectiveness;

10 (4) results of immediate intervention and on-
11 going monitoring of public health, including the
12 health of responders, clean-up crews and government
13 officials present in affected areas, and evaluation of
14 their effectiveness;

15 (5) an overall assessment of—

16 (A) how the threat to public health has
17 been managed;

18 (B) what threats to public health still re-
19 main;

20 (C) what existing programs must continue
21 in order to address remaining threats; and

22 (6) additional recommendations for action on
23 problems that have either not been adequately ad-
24 dressed or have yet to be addressed.

1 **SEC. 107. NOTIFICATION OF PUBLIC AND PROFESSIONALS.**

2 (a) EMERGENCY NOTIFICATION.—

3 (1) HIGHEST RISK AREAS.—The Administrator
4 shall take immediate action to ensure that contami-
5 nated areas that have already been identified as pos-
6 ing the highest risk to human health are properly
7 marked with warning signs, and will advise and co-
8 ordinate access to such areas local and on-site police
9 and law enforcement officials. The Administrator
10 will also ensure that public and health officials from
11 the surrounding region are provided with detailed in-
12 formation about the dangers posed by the area of
13 contamination. This being of the highest priority,
14 the Administrator shall not wait for the first draft
15 of the CESTAP plan before acting.

16 (2) AIRBORNE CONTAMINANTS.—The Adminis-
17 trator shall take immediate action to ensure that the
18 population in areas subject to potential health risks
19 from airborne contaminants are made aware of the
20 dangers they face through a public information cam-
21 paign, with literature to be provided to and dissemi-
22 nated by State and local officials, and where their
23 capacity is lacking, by Federal agencies. This being
24 of the highest priority, the Administrator shall not
25 wait for the first draft of the CESTAP plan before
26 acting.

1 (b) TRANSPARENCY.—

2 (1) INFORMATION CAMPAIGN.—A major compo-
3 nent of the CESTAP plan shall be a pro-active in-
4 formation campaign as part of an effort to produce
5 and disseminate information in the form of lit-
6 erature, web postings and public service announce-
7 ments providing affected populations with clear and
8 concise warnings about the potential hazards they
9 face.

10 (2) REGULAR UPDATES.—The Administrator
11 shall ensure that the campaign is on-going, pro-
12 viding the public with new information as it becomes
13 available.

14 (3) NOTIFYING OFFICIALS.—The Administrator
15 shall ensure that this information campaign includes
16 the provision of detailed information, in print and
17 through direct consultation, to officials overseeing
18 disaster relief, rehabilitation and clean-up.

19 (c) COHERENCY.—

20 (1) PROVIDING MEANS OF PROTECTION.—The
21 public information campaigns referred to in sub-
22 section (b) shall be coordinated in conjunction with
23 efforts to supply relevant safety equipment (from
24 hazmat suits to rubber gloves and cleaning solu-
25 tions) to affected populations and working crews.

1 (2) INTER-AGENCY COOPERATION.—The Ad-
2 ministrator shall develop the CESTAP plan by—

3 (A) identifying and tapping available re-
4 sources and manpower of agencies other than
5 the Environmental Protection Agency, while at
6 the same time,

7 (B) combining efforts as much as possible
8 with those agencies to be so tapped, through
9 such measures as—

10 (i) setting up joint information cam-
11 paigns where possible;

12 (ii) identifying teams of agencies who
13 will be working in high risk areas and pro-
14 visioning the necessary protective gear; and
15 in general

16 (iii) seeking wherever possible to avoid
17 unnecessary duplication of effort.

18 **SEC. 108. TRAINING FOR RESPONDERS AND CLEAN-UP**
19 **WORKERS.**

20 (a) PLANNING AND EXECUTION.—

21 (1) RESPONDERS HEALTH AND SAFETY PRO-
22 GRAM.—Within the CESTAP there shall be a pro-
23 gram designed to protect that health and safety of
24 responders and clean-up crews specifically in relation

1 to contaminants, hazardous materials or infectious
2 materials.

3 (2) INTER-AGENCY COORDINATION.—The Ad-
4 ministrator shall coordinate this program with each
5 of the following agencies:

6 (A) The Occupational Safety and Health
7 Administration, which shall be responsible for
8 ensuring the health and safety of disaster re-
9 sponders and clean-up crews in cooperation
10 with Federal, State, and local officials and pri-
11 vate sector organizations.

12 (B) The Department of Labor, which shall
13 be responsible for coordinating a response plan
14 to address worker health and safety issues.

15 (C) The National Institute of Occupational
16 Safety and Health, which shall be ready to pro-
17 vide health and safety training to responders
18 and clean-up crews.

19 (b) EMERGENCY TRAINING.—

20 (1) GUIDELINES.—The Administrator shall in-
21 clude in the CESTAP, guidelines to ensure that—

22 (A) worksites and areas where responders
23 and clean-up crews are to be sent are subject
24 to a full environmental assessment and identi-
25 fication of hazards through onsite evaluation

1 and monitoring and identification of workers
2 likely to be facing high risk of hazardous expo-
3 sures;

4 (B) relief, reconstruction and clean-up
5 workers of all contributing agencies—

6 (i) are properly informed of the envi-
7 ronmental hazards they may face in their
8 work;

9 (ii) are provided proper training in
10 handling toxic materials;

11 (iii) are provided with the proper pro-
12 tective equipment (such as respirators to
13 protect against airborne toxins), and guide-
14 lines and training for using them; and

15 (iv) receive proper immunizations,
16 where necessary and appropriate;

17 (C) mechanisms are in place to provide
18 equal protection from environmental and health
19 hazards to State and local public employees not
20 covered by regulations of the Occupational
21 Safety and Health Administration; and

22 (D) these efforts are coordinated in close
23 collaboration with local employers, unions and
24 safety and health professionals.

1 (2) ADVANCE PLANNING.—Some advance plan-
2 ning for such trainings will be required in order for
3 the trainings to be meaningful to untrained, low-in-
4 come and immigrant workers who may have limited
5 English language skills.

6 (c) PRIORITY TO RESIDENTS.—The Administrator
7 shall ensure that qualified residents returning to New Or-
8 leans and hurricane-affected areas, and who are faced with
9 the job loss are given priority in new hirings for positions
10 involved in ongoing sampling and assessment of the envi-
11 ronment.

12 **SEC. 109. PUBLIC HEALTH ASSESSMENT AND MONITORING.**

13 (a) EARLY INTERVENTION.—

14 (1) IMMEDIATE HUMAN HEALTH ASSESS-
15 MENT.—The Administrator shall seek to include in
16 the CESTAP plan an immediate public health as-
17 sessment of—

18 (A) populations remaining in or returning
19 to areas of known or potential exposure to envi-
20 ronmental contaminants, hazardous materials
21 or infectious materials, and

22 (B) relief, rehabilitation and clean-up
23 workers working in areas known to be at risk.

24 (2) PURPOSE.—The purpose of such immediate
25 interventions is—

1 (A) to identify any epidemiological out-
2 breaks or toxological trends in the population;
3 and

4 (B) as a means of

5 (i) screening for hazards missed by
6 other forms of environmental sampling;

7 (ii) alerting relevant health officials to
8 addressing the problem; and

9 (iii) setting a base-line for long-term
10 monitoring.

11 (b) LONG-TERM MONITORING.—The CESTAP plan
12 shall include provisions for periodic follow-up studies, no
13 more than a year apart, to assess the ongoing and long-
14 term health impacts of environmental contaminants, haz-
15 ardous or infectious materials that were or may have been
16 released into the environment as a result of the impact
17 of Hurricane Katrina.

18 **SEC. 110. INDEPENDENT ADVISORY AND REVIEW BOARD.**

19 (a) ESTABLISHMENT.—In order to ensure maximum
20 consonance with efforts of residences of affected areas and
21 cities to rebuild their homes, businesses and communities,
22 an Independent Advisory and Review Board (IARB) shall
23 be established, and shall be comprised of—

24 (1) 3 professionals who can share expert sci-
25 entific and environmental knowledge with the Ad-

1 administrator and officials involved in carrying out the
2 CESTAP;

3 (2) 3 respected community leaders capable of
4 providing to the Administrator and officials involved
5 in carrying out the CESTAP first-hand knowledge
6 of—

7 (A) State, local, and community resources
8 and organizational capacities;

9 (B) existing plans and efforts by State,
10 local, and community to rebuild their commu-
11 nities as well as to deal with discovered environ-
12 mental contaminants and hazardous materials;
13 and

14 (C) the priorities and concerns of affected
15 populations;

16 (3) 3 officials from State and local government;
17 and

18 (4) 3 State and local public health and safety
19 officials.

20 (b) NOMINATIONS.—Nominations shall be solicited
21 from—

22 (1) local and national scientific and environ-
23 mental non-governmental organizations;

24 (2) civic bodies and community organizations in
25 the affected cities, States and regions;

1 (3) State, local, and community government
2 bodies;

3 (4) State and local public health and safety
4 bodies; and

5 (5) the Administrator shall call a meeting of
6 representatives from the nominating bodies, who will
7 select or elect a Board from the nominees.

8 (c) DUTIES.—

9 (1) ADVISORY ROLE.—The Board shall provide
10 advice and recommendations to the Administrator
11 for the purposes of carrying out this Act.

12 (2) CHAIRPERSON.—The Board shall select a
13 Chairperson, who shall vote only in the event of a
14 tie.

15 (3) PERIODIC REVIEW.—The IARB shall issue
16 periodic reports no less frequently than quarterly,
17 assessing the progress of the CESTAP, with specific
18 reference to—

19 (A) previous or on-going threats to public
20 health that the CESTAP failed to identify or to
21 adequately address;

22 (B) the effectiveness of efforts under
23 CESTAP to protect residents, responders and
24 clean-up workers through providing informa-
25 tion, training and safety equipment; and

1 (C) implementation of the CESTAP in co-
2 ordination with State, local, and community
3 government and nongovernmental bodies, includ-
4 ing suggestions for further improvement.

5 (4) ANNUAL REVIEW.—No later than 1 year
6 from the date this Act open hearings before Con-
7 gress shall be held to review the progress of the
8 CESTAP, inviting members of the IARB to report
9 their findings, as well as the Administrator and offi-
10 cials involved in carrying out the CESTAP to
11 present their findings. Subsequent hearings shall be
12 held annually until the expiration of this Act.

13 (d) RESTRICTIONS.—No person may sit on the IARB
14 who by holding real estate investments in the regions af-
15 fected by this Act and would thereby stand to profit from
16 actions taken under this Act or who is directly employed
17 in the administering of the CESTAP.

18 (e) POWERS OF THE BOARD.—

19 (1) HEARINGS.—The Board may hold such
20 hearings, sit and act at such times and places, take
21 such testimony, and receive such evidence as the
22 Board considers advisable to carry out this section.

23 (2) INFORMATION FROM FEDERAL AGENCIES.—
24 The Board may secure directly from any Federal de-
25 partment or agency such information as the Board

1 considers necessary to carry out this section. Upon
2 request of the Chairperson of the Board, the head
3 of such department or agency shall furnish such in-
4 formation to the Board.

5 (3) POSTAL SERVICES.—The Board may use
6 the United States mails in the same manner and
7 under the same conditions as other departments and
8 agencies of the Federal Government.

9 (4) GIFTS.—The Board may accept, use, and
10 dispose of gifts or donations of services or property.

11 (f) BOARD PERSONNEL MATTERS.—

12 (1) COMPENSATION OF MEMBERS.—Each mem-
13 ber of the Board who is not an officer or employee
14 of the Federal Government shall be compensated at
15 a rate equal to the daily equivalent of the annual
16 rate of basic pay prescribed for level IV of the Exec-
17 utive Schedule under section 5315 of title 5, United
18 States Code, for each day (including travel time)
19 during which such member is engaged in the per-
20 formance of the duties of the Board. All members of
21 the Board who are officers or employees of the
22 United States shall serve without compensation in
23 addition to that received for their services as officers
24 or employees of the United States.

1 (2) TRAVEL EXPENSES.—The members of the
2 Board shall be allowed travel expenses, including per
3 diem in lieu of subsistence, at rates authorized for
4 employees of agencies under subchapter I of chapter
5 57 of title 5, United States Code, while away from
6 their homes or regular places of business in the per-
7 formance of services for the Board.

8 (3) STAFF.—

9 (A) IN GENERAL.—The Chairperson of the
10 Board may, without regard to the civil service
11 laws and regulations, appoint and terminate an
12 executive director and such other additional
13 personnel as may be necessary to enable the
14 Board to perform its duties. The employment of
15 an executive director shall be subject to con-
16 firmation by the Board.

17 (B) COMPENSATION.—The Chairperson of
18 the Board may fix the compensation of the ex-
19 ecutive director and other personnel without re-
20 gard to chapter 51 and subchapter III of chap-
21 ter 53 of title 5, United States Code, relating
22 to classification of positions and General Sched-
23 ule pay rates, except that the rate of pay for
24 the executive director and other personnel may
25 not exceed the rate payable for level V of the

1 Executive Schedule under section 5316 of such
2 title.

3 (C) PERSONNEL AS FEDERAL EMPLOY-
4 EES.—

5 (i) IN GENERAL.—The executive di-
6 rector and any personnel of the Board who
7 are employees shall be employees under
8 section 2105 of title 5, United States
9 Code, for purposes of chapters 63, 81, 83,
10 84, 85, 87, 89, 89A, 89B, and 90 of that
11 title.

12 (ii) MEMBERS OF BOARD.—Paragraph
13 (1) shall not be construed to apply to
14 members of the Board.

15 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
16 Any Federal Government employee may be detailed
17 to the Board without reimbursement, and such de-
18 tail shall be without interruption or loss of civil serv-
19 ice status or privilege.

20 (5) PROCUREMENT OF TEMPORARY AND INTER-
21 MITTENT SERVICES.—The Chairperson of the Board
22 may procure temporary and intermittent services
23 under section 3109(b) of title 5, United States Code,
24 at rates for individuals which do not exceed the daily
25 equivalent of the annual rate of basic pay prescribed

1 for level V of the Executive Schedule under section
2 5316 of such title.

3 (g) TERMINATION.—The Board shall terminate upon
4 the expiration of this Act.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as necessary
7 to the Board to carry out this section.

8 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as are necessary to carry out this title.

11 **SEC. 112. EXPIRATION.**

12 Unless otherwise extended by Congress, this Act and
13 the CESTAP shall automatically expire upon completion
14 of the fifth annual hearings to review the progress of the
15 CESTAP to be completed after the Administrator's fifth
16 annual report to Congress.

17 **TITLE II—BUILDING**
18 **HABITABILITY**

19 **SEC. 201. SHORT TITLE.**

20 This title may be cited as the “Habitability of Resi-
21 dential Homes, Schools, and Commercial Buildings Af-
22 fected by Hurricane Katrina Act of 2005”.

23 **SEC. 202. FINDINGS.**

24 The Congress finds that—

25 (1) Hurricane Katrina—

1 (A) caused significant loss of life, dis-
2 rupted the supply of power, natural gas, and
3 water, and affected sewage treatment and road
4 safety;

5 (B) destroyed hundreds of thousands of
6 residential homes, commercial buildings, and
7 schools in the States of Louisiana, Mississippi,
8 and Alabama;

9 (C) caused an estimated 80 percent of resi-
10 dential structures in the city of New Orleans to
11 sustain flood damage;

12 (D) presented serious environmental health
13 issues and threatened the public health through
14 contamination by toxic chemicals, sewage, solid
15 waste, debris, and gasoline; and

16 (E) continues to contribute to the growth
17 of mold in residential homes and other build-
18 ings in the States of Louisiana, Mississippi, and
19 Alabama through excess moisture and standing
20 water;

21 (2) many residential homes, commercial build-
22 ings, and schools in those States contain mold, and
23 have otherwise been exposed to environmental con-
24 tamination due to flooding, leaving the structures—

25 (A) in a state of disrepair; and

1 (B) inhabitable and dangerous to the pub-
2 lic health;

3 (3) molds have the potential to cause health
4 problems by producing allergens, irritants, and in
5 some cases, potentially toxic substances (myco-
6 toxins);

7 (4) inhaling or touching mold or mold spores
8 may cause immediate or delayed allergic reactions in
9 sensitive individuals, including hay fever-type symp-
10 toms, such as sneezing, runny nose, red eyes, and
11 skin rash;

12 (5) molds can also cause asthma attacks in peo-
13 ple with asthma who are allergic to mold, and irri-
14 tate the eyes, skin, nose, throat, and lungs of mold-
15 allergic and nonallergic people;

16 (6) some people, such as people with serious al-
17 lergies to molds, may have more severe reactions to
18 mold, and people with chronic lung illnesses, such as
19 obstructive lung disease, may develop mold infec-
20 tions in their lungs; and

21 (7) the Federal Government should take a lead-
22 ership role in—

23 (A) evaluating and inspecting residential
24 homes, commercial buildings, and schools in the
25 States of Louisiana, Mississippi, and Alabama

1 for the presence of environmental contaminants
2 and mold;

3 (B) cleaning up environmental contami-
4 nants and mold; and

5 (C) certifying that the structures are safe
6 for habitation.

7 **SEC. 203. PURPOSES.**

8 The purposes of this title are—

9 (1) to develop a program to inspect damaged
10 residential homes, schools, and commercial buildings
11 affected by Hurricane Katrina to—

12 (A) determine the habitability of the struc-
13 tures;

14 (B) determine the presence of environ-
15 mental contaminants and mold in the struc-
16 tures, including the extent of the contamina-
17 tion; and

18 (C) certify the habitability of the struc-
19 tures;

20 (2) to develop a training program to certify
21 contractors to inspect and remediate the structures;

22 (3) to develop a program to reduce and elimi-
23 nate the presence of environmental contaminants
24 and mold in residential homes, commercial buildings,
25 and schools through interim controls and abatement;

1 (4) to educate the public on the public health
2 implications of toxic mold and the guidelines of the
3 Environmental Protection Agency for remediating
4 mold; and

5 (5) to provide grants to assist eligible entities
6 in carrying out paragraphs (1) through (4).

7 **SEC. 204. DEFINITIONS.**

8 In this title:

9 (1) ABATEMENT.—

10 (A) IN GENERAL.—The term “abatement”
11 means any measure, including a remediation
12 measure, to permanently eliminate any adverse
13 health effect of an environmental contaminant
14 or mold, in accordance with Federal environ-
15 mental laws and guidelines.

16 (B) INCLUSIONS.—The term “abatement”
17 includes—

18 (i) removal of environmental contami-
19 nants and replacement of surfaces con-
20 taining environmental contaminants;

21 (ii) cleanup and disposal of surfaces
22 containing environmental contaminants, in-
23 cluding postabatement clearance testing
24 and sampling activities relating to the
25 cleanup and disposal;

1 (iii) removal and permanent contain-
2 ment of mold and replacement of surfaces
3 containing mold;

4 (iv) remediation of the underlying
5 causes of mold and water accumulation;

6 (v) cleanup, drying, and disposal of
7 surfaces containing mold, including
8 postabatement clearance testing and sam-
9 pling activities relating to the cleanup and
10 disposal; and

11 (vi) development of a remediation
12 plan, purchase of personal protective and
13 containment equipment, the fixing of mois-
14 ture problems, reevaluation of measures in
15 cases in which hidden mold is discovered,
16 and selection of appropriate cleanup meth-
17 ods.

18 (2) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the Environ-
20 mental Protection Agency.

21 (3) CERTIFIED CONTRACTOR.—The term “cer-
22 tified contractor” means a contractor, inspector, or
23 supervisor that—

1 (A)(i) has completed an accredited training
2 program, as determined by the Administrator;
3 and

4 (ii) has met any other requirement for cer-
5 tification established by the Administrator; or

6 (B) has been certified by a State under a
7 program that is at least as rigorous as an ac-
8 credited training program under subparagraph
9 (A)(i), as determined by the Administrator.

10 (4) COMMERCIAL BUILDING.—The term “com-
11 mercial building” means a structure that is operated
12 for business purposes, including structures operated
13 by for-profit and nonprofit entities.

14 (5) ENVIRONMENTAL CONTAMINANT.—The
15 term “environmental contaminant” means—

16 (A) any hazardous substance regulated
17 under the Comprehensive Environmental Re-
18 sponse, Compensation, and Liability Act of
19 1980 (42 U.S.C. 9601 et seq.); and

20 (B) any solid waste regulated under the
21 Solid Waste Disposal Act (42 U.S.C. 6901 et
22 seq.).

23 (6) GUIDELINES.—The term “guidelines”
24 means any guidance provided under the Environ-
25 mental Protection Agency documents entitled “Mold

1 Remediation in Schools and Commercial Buildings”
2 and “A brief guide to mold, moisture, and your
3 home”.

4 (7) INSPECTION.—The term “inspection”
5 means a surface-by-surface investigation of the inte-
6 rior and exterior of a residential home, commercial
7 building, or school to determine the habitability of
8 the structure for adults (including pregnant women)
9 and children, taking into consideration the presence
10 of any environmental contaminant or mold, including
11 activities relating to—

12 (A) information gathering regarding the
13 age and history of the structure;

14 (B) visual inspection;

15 (C) any environmental sampling technique;

16 (D) assessment of the presence of an envi-
17 ronmental contaminant or mold;

18 (E) identification of the source of the con-
19 tamination or cause of a water or moisture
20 problem; and

21 (F) any other appropriate activity, as de-
22 termined by the Administrator.

23 (8) INTERIM CONTROL.—The term “interim
24 control” means any measure designed to temporarily
25 reduce human exposure or likely human exposure to

1 an environmental contaminant or mold, such as spe-
2 cialized cleaning measures, repairs, maintenance,
3 painting, temporary containment, and continued
4 monitoring of a potential or existing environmental
5 hazard.

6 (9) MOLD.—The term “mold” means any form
7 of multicellular fungus that lives on plant or animal
8 matter, or in an indoor environment, such as
9 *Caldosporium*, *Penicillium*, *Alternaria*, *Aspergillus*,
10 *Fuarium*, *Trichoderma*, *Memnoniella*, *Mucor*, and
11 *Stachybotrys chartarum*.

12 (10) RESIDENTIAL HOME.—The term “residen-
13 tial home” means—

14 (A) a single-family dwelling, including any
15 attached structure used as a porch or stoop;
16 and

17 (B) a single-family dwelling contained in a
18 structure that includes more than 1 dwelling
19 unit, in which each dwelling unit is intended to
20 be occupied as a residence by 1 or more per-
21 sons.

22 (11) SCHOOL.—

23 (A) IN GENERAL.—The term “school”
24 means any facility used for educational pur-
25 poses.

1 (B) INCLUSION.—The term “school” in-
2 cludes a day care center.

3 **SEC. 205. ABATEMENT AND INSPECTION GRANTS.**

4 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
5 tion, the term “eligible entity” means—

6 (1) any State, local, or tribal government agen-
7 cy (including a parish agency) located in the State
8 of Louisiana, Alabama, or Mississippi that is af-
9 fected by Hurricane Katrina; and

10 (2) any administrative agency of a school lo-
11 cated in the State of Louisiana, Alabama, or Mis-
12 sissippi that is affected by Hurricane Katrina.

13 (b) ESTABLISHMENT.—The Administrator shall es-
14 tablish a program under which the Administrator shall
15 provide grants to eligible entities to pay the Federal share
16 of the cost of abatement and inspection activities for resi-
17 dential homes, commercial buildings, and schools in the
18 area served by the eligible entity, in accordance with this
19 section.

20 (c) APPLICATIONS.—To receive a grant under this
21 section, an eligible entity shall submit to the Adminis-
22 trator an application in such time, in such manner, and
23 containing such information as the Administrator may re-
24 quire.

1 (d) SELECTION CRITERIA.—The Administrator shall
2 provide grants under this section to eligible entities on the
3 basis of the merit of an activity proposed to be carried
4 out by the eligible entity, taking into consideration—

5 (1) the severity and extent of the presence of
6 environmental contaminants or mold in the area
7 served by an eligible entity;

8 (2) the ability of an eligible entity to carry out
9 an activity proposed by the eligible entity; and

10 (3) any other factor that the Administrator de-
11 termines to be appropriate to carry out the purposes
12 of this title.

13 (e) USE OF FUNDS.—An eligible entity that receives
14 a grant under this section shall use amounts made avail-
15 able for activities relating to residential homes, commer-
16 cial buildings, and schools in the area served by the eligible
17 entity to—

18 (1) conduct inspections;

19 (2) provide for interim control of environmental
20 contaminants and mold;

21 (3) provide for abatement of environmental con-
22 taminants and mold;

23 (4) ensure that inspections and sampling activi-
24 ties are carried out by certified contractors;

1 (5) monitor the health of workers involved in
2 abatement and inspection under this section;

3 (6) monitor the health of certified contractors
4 involved in inspections under this section;

5 (7) inform the public with respect to the nature
6 and causes of mold, measures to reduce exposure to
7 mold, and measures to remediate mold; and

8 (8) test or sample air and surfaces for environ-
9 mental contaminants or mold, including by—

10 (A) purchasing equipment to measure
11 moisture levels in building materials, humidity
12 gauges and meters, and air conditioning filters;
13 and

14 (B) designing mold sampling protocols.

15 **SEC. 206. THRESHOLD LIMIT VALUES.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Administrator shall pro-
18 mulgate regulations establishing threshold limitation val-
19 ues for airborne concentrations of mold and mold spores
20 in indoor environments to protect the public health.

21 (b) FACTORS FOR CONSIDERATION.—In promul-
22 gating regulations pursuant to subsection (a), the Admin-
23 istrator shall take into consideration the adverse health
24 effects of exposure to mold and mold spores, including spe-
25 cific effects of the exposure on—

- 1 (1) pregnant women;
- 2 (2) children;
- 3 (3) elderly individuals;
- 4 (4) asthmatic individuals;
- 5 (5) allergic individuals;
- 6 (6) individuals with compromised immune sys-
- 7 tems; and
- 8 (7) any other subgroup of individuals the health
- 9 of which would be at greater risk if exposed to mold
- 10 or mold spores, as determined by the Administrator.

11 **SEC. 207. GUIDANCE FOR EVALUATION AND ABATEMENT**
12 **OF MOLD.**

13 Not later than 180 days after the date of enactment
14 of this Act, the Administrator, in consultation with the
15 Secretary of Health and Human Services acting through
16 the Director of the Centers for Disease Control, shall issue
17 guidance with respect to adults (including pregnant
18 women) and children for any activity carried out or fund-
19 ed, in whole or in part, by the Federal Government relat-
20 ing to inspection, interim controls, activities for the abate-
21 ment or remediation of mold, and sampling.

22 **SEC. 208. CONTRACTOR TRAINING AND CERTIFICATION.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator shall pro-
25 mulgate regulations relating to the abatement, inspection,

1 reduction, and remediation of mold to ensure that certified
2 contractors are properly trained to carry out those activi-
3 ties, including establishing standards for the accreditation
4 of training programs for contractors, supervisors, inspec-
5 tors, and other workers.

6 (b) INCLUSIONS.—In promulgating regulations pur-
7 suant to subsection (a), the Administrator shall require
8 that any mold inspection, abatement, or reduction activity
9 carried out or funded, in whole or in part, by the Federal
10 Government shall be conducted by a certified contractor.

11 (c) COORDINATION.—The standards of training and
12 certification under (a) and (b) shall be organized in con-
13 junction with the establishment of standards for com-
14 prehensive environmental quality inspection and certifi-
15 cation procedures as set out in section 106(b)(3)(B) of this
16 Act.

17 **SEC. 209. TREATMENT.**

18 Any individual or entity that fails to comply with a
19 requirement of this title shall be subject to an appropriate
20 civil penalty, as determined by the Administrator.

21 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
23 as are necessary to carry out this title.

1 **TITLE III—FUNDING**

2 **SEC. 301. FUNDING.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Except
4 as otherwise provided in this Act, there are authorized to
5 be appropriated such sums as are necessary to carry out
6 this Act.

7 (b) EMERGENCY DESIGNATION.—Funds made avail-
8 able to carry out this Act by the transfer of funds in or
9 pursuant to this section are designated as an emergency
10 requirement pursuant to section 402 of H. Con. Res. 95
11 (109th Congress).

○